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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James R. Casciani et al.

Serial No.: 10/698,962

Filed: October 30, 2003

For: Pulse Oximeter and Sensor Optimized for  
Low Saturation

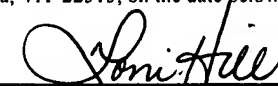
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Group Art Unit: 3768

Examiner: Winakur, Eric Frank

Atty. Docket: TYHC:0095-3/FLE  
009103-009740US

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37 C.F.R. 1.8	
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August 17, 2007	
Date	Toni Hill

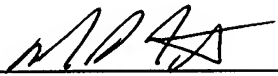
**NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31 FROM THE DECISION OF THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Appeals and Interferences from the Non-Final Office Action dated May 17, 2007, wherein the Examiner has rejected pending claims 72 and 84 of the above-referenced application. These claims have all been twice rejected, and the Appeal of these rejections is therefore believed appropriate at the present time.

The Commissioner is authorized to charge the requisite filing fee of \$500.00 for the Appeal Brief, and any additional fees which may be required to the attached PTO-2038. If the PTO-2038 is missing, if the amount listed thereon is insufficient, or if the amount is unable to be charged to the credit card for any other reason, the Commissioner is authorized to charge Deposit Account No. 06-1315; Order No. TYHC:0095-3/FLE (009103-009740US).

Respectfully submitted,

Date: August 17, 2007

  
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